

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA, : Case No. 3:12-cr-79  
Plaintiff, : Also Case No. 3:14-cv-35  
- vs - : District Judge Thomas M. Rose  
KENNETH BROWN, : Magistrate Judge Michael R. Merz  
Defendant. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #60), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

It is hereby ORDERED that Ground One of Petitioner's Motion to Vacate is DISMISSED with prejudice.

April 1, 2014

\*s/Thomas M. Rose

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Thomas M. Rose  
United States District Judge